

REMARKS

This paper is timely submitted in response to the non-final Office Action dated August 29, 2008 (the “Office Action”).

Claims 39-40, 44-47, 49-62, 64-68, and 70-74 are pending in the application, including new claims 71-74.

Claims 39-40, 44-47, 49-62, 64-68, and 70 stand rejected.

The amendments add no new matter. Support for the amendments may be found throughout Applicant’s Specification and Drawings, for example in p. 3, lines 5-16, p. 4, line 13—p. 5, line 8; p. 6, line 19—p. 7, line 2; p. 8, line 13—p. 9, line 8 of the Specification as filed (corresponding to ¶¶ 9-10, 16-18, 23, and 31-33 of the Application as published in U.S. Patent Publication No. 2004/0139075 (the “ ’9075 publication”)); and in and original claim 59; and in FIGs. 1 and 2 and the associated discussions.

The amendments to the claims have been made to expedite prosecution. Applicant reserves the right, for example in a continuing application, to pursue the previously pending claims or claims similar thereto. While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicant has chosen to respond as follows. Applicant reserves the right, for example in a continuing application, to establish that the cited reference, or other references cited thus far or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed. Applicant respectfully submits that the pending claims are allowable in view of the above amendments and the following remarks, and respectfully requests reconsideration of the pending rejections.

Rejections under 35 U.S.C. §§ 102(e) and 103(a)

Claims 64-68 and 70 stand rejected under § 102(e) as purportedly being anticipated by U.S. Patent No. 6,870,921 issued to Elsey et al. (“Elsey”). Claims 39-40, 42, 44-47, and 49-62 stand rejected under § 103(a) as purportedly being unpatentable over Elsey. Applicant respectfully submits that the claims are allowable under §§ 102(e) and 103(a) because the cited portions of the reference fail to disclose each limitation of Applicant’s claims.

Applicant’s independent claim 39 includes an access control subsystem. The access control subsystem is configured to provide access to files to a user who has access authorization. The access authorization is based at least in part on “a temporary current status of the user.”

The Office Action argues on p. 2-3 that that this limitation is taught in 4:10-25 of Elsey. Applicant disagrees.

The cited passages of Elsey state:

As explained in greater detail below, a private directory contains contact information specifically tailored to the needs of an individual or corporation. For example, an individual may want to create two private directories. The first private directory may be established to contain all of the individual’s personal contact information and the second private directory may be established to contain all of the individual’s business contact information. This individual, whom [sic] is referred to as the owner of the private directory, may want to allow his/her spouse access to the personal private directory. The owner of the directory can allow the spouse only the right to view the personal private directory. In this instance, the spouse would be referred to as a “read only” user. Alternatively, the owner may way to allow his/her spouse to add his/her own contact information in the personal database. In this instance, the spouse would also be an administrator of the personal directory.

Elsey, 4:9-25.

This passage describes, at best, the creation of two private directories created by an individual. The individual allows a spouse to access to some of the information in the two directories. The access granted to the spouse can be made with some flexibility, such as granting the right to view only information in one of the directories. Similarly, Elsey describes the ability to allow “read only” access to the information, or to allow “administrator” access to the information.

However, the cited passages of Elsey clearly fail to teach that access to data can be granted to a user on a temporary basis. No such disclosure is present in the above-cited passage. This passage fails to discuss or suggest a temporary granting of access to a spouse or to anyone else. At the very least, the quality of an access being a “temporary” access is completely lacking in the cited passages.

Moreover, the cited passages do not teach that the granting of access could be based on a “temporary current status” of a user, as would be required to meet the limitations of claim 39. Indeed, the only characteristic of a user that is mentioned in the above-cited passage is that of a “spouse.” Even if such a characteristic could be successfully equated with the claimed “current status” of a user (a point which Applicant certainly does not concede), a person having ordinary skill in the art would readily understand that a spousal relationship is not, and could not be, understood as any sort of example of a “temporary current status.”

If anything, a spousal relationship is customarily used as an example of the very opposite of a “temporary current status.” A person having ordinary skill in the art would understand Elsey’s spousal relationship to indicate a long-term relationship; this is completely counter the “temporary current status” that is required to meet Applicant’s claim 39. Thus, to the extent that

Elsey describes a status of a user, it does so in a manner that teaches away from Applicant's claim 39.

In the above-cited passage of Elsey, the only characteristic described of a person to whom access is granted is that the grantee is the "spouse" of the individual who created the directories. This would not be understood as implying any sort of temporary status; if anything, it describes the opposite of a temporary status. Thus, the cited passage fails to teach—and indeed teaches away from—an access authorization that is based at least in part on "a temporary current status of the user." As can be readily seen, this limitation (among others) is clearly absent from the cited passages of Elsey.

Accordingly, Applicant respectfully submits that independent claim 39 and all claims dependent therefrom are allowable under §§ 102(e) and 103(a). At least for similar reasons, independent claims 46 and 64 and all claims dependent therefrom are also allowable under §§ 102(e) and 103(a).

New claims

New claims 71-74 have been added. Claims 71-74 depend variously on claims 39, 46, and 64, and are therefore allowable at least for the reasons disclosed above.

Moreover, new claim 72 depends on independent claim 64 and additionally includes limitations that:

the temporary access granted to the user is limited to a duration of a telephone call between the user and the customer of the owner tenant.

Similarly, new claim 73 depends on independent claim 39 and additionally includes limitations that:

the access authorization and the temporary current status of the user are limited to a duration of a live communication between the user and a customer of the tenant corresponding to the virtual database.

Examples of the access authorization being limited to a duration of live communication such as a telephone call are provided in Applicant's originally filed Specification. The Specification provides examples in which credit card operations may be outsourced to a service agency. A user, such as a telephone support staff member, can have real time access to the individual account "during the service call." Specification at 4 (§ 16 of the '9075 publication). The user/support staff member can similarly have access to a customer account "during the individual telephone support session" with a calling customer. Specification at 8 (§ 32 of the '9075 publication). "During the individual customer support session," in one example, a user such as a "telephone support representative has access to the individual merchant's or financial institution's business objects, queries, and views, as well as those of the database service provider." Specification at 8 (§ 32 of the '9075 publication).

These examples, and the limitations recited in new claims 71-74, further distinguish new claims 71-74 over the cited portions of Elsey. For example, there is no teaching in Elsey that the characteristic of being a "spouse," on which basis access is granted to an individual's data directory, is a temporary spousal status that lasts only for "a duration of a telephone call between" the spouse and the individual. At least this limitation is therefore absent from the cited passages of Elsey. Accordingly, new claim 72 is additionally allowable over the cited passages

of Elsey. At least for similar reasons, new claims 71 and 73-74 are also additionally allowable over the cited passages of Elsey.

CONCLUSION

Applicant respectfully submits that all claims are now in condition for allowance, and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136 are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

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